



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

January 26, 2022

Richard Roper, Chair
Arkansas Pollution Control and Ecology Commission
3800 Richards Road
North Little Rock, AR 72117

Dear Mr. Roper:

It is the U.S. Environmental Protection Agency's (EPA) understanding that the Division of Environmental Quality (DEQ) has filed a motion to adopt proposed changes to Rule 2, Regulation Establishing Water Quality Standards for Surface Waters of the State of Arkansas, with the Arkansas Pollution Control and Ecology Commission (Commission) to be heard during the Regular Commission Meeting scheduled for January 28, 2022 (Docket #20-004-R). I am writing to reiterate the EPA's concerns with the DEQ's proposed changes to Regulation 2, as expressed in the EPA's August 23, 2021, letter to the Commission, copy enclosed.

As discussed in that letter, the revisions proposed by the DEQ do not contain appropriate designated uses for Coffee Creek and Mossy Lake, as required by the Clean Water Act (CWA) and 40 CFR Part 131. The EPA does not support the DEQ's request that the Commission grant the DEQ's motion to adopt the proposed amendments to Rule 2 and order "that DEQ shall take up the issues related to Mossy Lake and Coffee Creek in the next "triennial review." See enclosed Proposed Minute Order. As stated in EPA's August 23, 2021, letter, if DEQ and the Commission do not adopt appropriate designated uses for Coffee Creek from its headwaters through Mossy Lake to its confluence with the Ouachita River, EPA will consider recommending that the EPA Administrator make a finding under Section 303(c)(4)(B) of the CWA that appropriate water quality standards are needed to meet the CWA requirements for the entirety of Coffee Creek and Mossy Lake.

The EPA strongly recommends that the Commission designate appropriate uses for Coffee Creek from its headwaters through Mossy Lake to its confluence with the Ouachita River, as required by the CWA and federal regulations, as part of the proposed changes to Rule 2 to be considered by the Commission on January 28, 2022.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Maguire", is positioned above the typed name.

Charles W. Maguire
Director
Water Division

Enclosures

cc: Lilian Sotolongo Dorka, Director, External Civil Rights Compliance Office, Office of
General Counsel, US EPA

Becky Keogh, E&E Cabinet Secretary, DEQ Director